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Philosophical Methodology in Will Kymlicka's *Multicultural Citizenship*

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We must begin the inquiry by grasping (a) what is said by those who assert that it is; (b) what is said by those who deny that it is; and (c) the common opinion on these matters"
Aristotle – *The Physics* (Book IV)

Introduction

Will Kymlicka's *Multicultural Citizenship*, from 1995, represents the opening salvo in an extensive debate regarding the legitimacy of collective rights for minority cultures. Against liberals who maintain that such rights run counter to liberalism, Kymlicka argues that group-differentiated rights are a valid extension of basic liberal values. The bulk of his book, then, is taken up with the task of demonstrating that liberalism is already heavily invested in the group; that despite its exaggerated fidelity to the autonomous individual, liberalism recognizes the centrality of group identification in social and political life. Insofar as he can make this recognition explicit, Kymlicka can clear away whatever obstacles prevent us from affirming the legitimacy, and indeed the *necessity*, of group-differentiated rights for minority cultures.

The present essay has its point of departure in the observation that, despite this clarity of purpose, Kymlicka's characterization of contemporary liberalism often feels somewhat equivocal. On the one hand, Kymlicka wants to persuade the reader that the rights of minority cultures are widely under-acknowledged; on the other hand, he presents an informed survey of countries that have both recognized and affirmed these rights. As a result, the magnitude of Kymlicka's problematic can seem to oscillate: at times, the problem of minority rights appears as a hugely symptomatic crisis; at others, it seems to represent simply an incomplete project. This tension, I will argue, speaks to a two-tiered argumentative structure, one that sees Kymlicka dealing with the question of minority cultures at the level of political practice and political theory. At the level of political practice, there exist numerous mechanisms for addressing the claims of minority cultures. At the level of political theory, however, the legitimacy of group-specific treatment remains largely under-theorized. The liberal tradition, with its steadfast

commitment to certain core values—notably, the primacy of the individual—has been simply unwilling to consider rights and freedoms in terms of groups.

According to Kymlicka, liberal theory is critically out-of-step with existing political processes. Thus, his project will consist in an attempt to harmonize these spheres; to bring liberal theory in line with the practical wisdom of liberal-democracies. Perhaps more interestingly, Kymlicka will also attempt to bring liberal theory in line with *its own* basic assumptions: he will argue that liberal theory has consistently, but unconsciously, assumed group-identification as the necessary context of individual rights. By making this assumption explicit, Kymlicka can show that liberalism, on its own terms, is obligated to affirm the rights of all cultural, ethnic and national sub-units that reside within its territorial boundaries.

What these two strategies mutually reflect, I will argue, is a certain basic philosophic methodology—one that consists in extracting the *implied consensus* at work within, and across, various domains of liberalism. However heterogeneous its various theoretical and practical articulations, Kymlicka wants to show that liberalism has consistently assumed certain key principles. The task of the present essay will be an exploration of this methodology, with attention to both its particular mechanics, as well as the philosophical significance that it assumes over the course of *Multicultural Citizenship*.

Overview

In Section I of my paper, I examine Kymlicka's reading of liberal theory. I highlight several instances in which he attempts to bring liberal theory in line with its key assumptions, raising liberalism's awareness of the centrality of group-identification to the surface. In Section II.I, I turn to Kymlicka's examination of the practical sphere, isolating three instances in which he attempts to correct liberalism's drift towards abstract individualism with an illustration of the practical importance of group-identification. In Section II.II, I examine Kymlicka's response to the possibility that group-differentiated rights might license illiberal practices within individual minority groups. In Section III, briefly, I note some surprising continuities between Kymlicka's philosophic methodology and the philosophic methodology at work within continental philosophy. I conclude by arguing that the results gathered over the course of paper point in the direction of a consistent philosophic methodology, and that by making this methodology explicit, we will be better situated to appreciate the objectives of *Multicultural Citizenship*.

I Aligning Theory with Theory

As will have become clear from these introductory remarks, my overall argument rests fairly heavily on the notion that Kymlicka holds what I will call, somewhat provisionally, an *essentialist* view of liberalism. Indeed, the picture that I have drawn of Kymlicka's philosophic methodology—as a determination of the implicit horizon of liberal discourse—can only really have meaning given the assumption of a more-or-less stable horizon. This being the case, it is no doubt incumbent upon me to first establish that Kymlicka does in fact subscribe to such a view; that there is, for Kymlicka, some basic liberal core—one that is in some way independent of the fluctuations and re-interpretations to which political ideologies are subject.

That Kymlicka holds such a view is nowhere more clear than in his arguments regarding the historical mutations that liberalism has undergone, specifically those which have resulted in a reduced recognition of minority cultures. As we will see in the following examples, Kymlicka does not regard these mutations as enduring contributions to liberal discourse. Rather, he views them as deviations from liberalism formulated in response to particular political exigencies. Beyond simply spotlighting their pragmatic origins and attempting to undermine them in this way, however, Kymlicka will also attempt to show that these mutations are *self-undermining*; that what they demonstrate, in effect, is the legitimacy of minority cultures. On my reading, it is in precisely this move, in the extraction of the implied consensus underlying even apparent departures from consensus, that the originality and force of Kymlicka's presentation emerges.

In Chapter 4 of *Multicultural Citizenship*, Kymlicka reconstructs the history of liberal attitudes towards minority cultures, attempting to isolate those moments at which liberalism turned away from minority rights and toward abstract universalism. One such turning-point, he tells us, came by way of *Brown vs. Board of Education (1954)*, a U.S. Supreme Court case which considered the system of "separate but equal" schools for black and white children, and which resulted in the abolition of racial segregation within the American educational system. This case was hugely influential, resulting in the widely held view that minority groups are best accommodated by abolishing group-specific treatment. Following the U.S. example, the Canadian Supreme Court invoked the logic of *Brown vs. Board of Education* in order to deny

special status to Native Canadians. This principle has also been brought to bear on the rights of Native Americans, Hawaiians, and the rights of national minorities under international law.¹

For Kymlicka, the widespread application of *Brown vs. Board of Education* represents a grave over-generalization. Politicians and liberal theorists have assumed that the measures appropriate to African-Americans are appropriate to all minorities whatsoever, and have thus rendered a disservice to groups such as Native Americans, whose special status requires institutional recognition. As I have indicated, however, Kymlicka does not wish to weaken the principle of across-the-board equality by simply presenting evidence of the historical injustice that has developed out of it. Rather, he wants to show that the principle drawn out of *Brown vs. Board of Education* can be used to support its apparent opposite: the legitimacy of group-differentiated rights (69).

In order to unravel this seeming contradiction, it is necessary to invoke Kymlicka's distinction between ethnic groups and national minorities (10). *Brown vs. Board of Education*, according to Kymlicka, applies solely to ethnic groups—that is, to groups that are distinguished from the mainstream culture by virtue of a shared ethnicity, but who nevertheless desire integration within the majority culture. It does not, however, apply to national minorities—to groups that exist within the territorial framework of a particular state, but who do not wish to forego their distinct status within that state. By insisting on this distinction we bring to light an important fact regarding *Brown vs. Board of Education*, namely, that it assumes the desire for cultural and institutional integration. Indeed, while it has been interpreted as a measure that simply abolishes group identification, *Brown vs. Board of Education* is more accurately regarded as a measure that *enforces* group-identification. Precisely insofar as it dismantles the social and institutional barriers to integration, this ruling paves the way for identification with the majority culture.

Ultimately, then, the significance of *Brown vs. Board of Education* does not consist in its particular application within a particular historical context, but in the fact that it implicitly acknowledges the centrality of group-identification. Almost in spite of itself, this ruling affirms group membership as the necessary precondition for social equality. Given this affirmation,

¹ Will Kymlicka, *Multicultural Citizenship*, Toronto: Oxford University Press, 1995, p. 59. Subsequent references to this work will be given in parentheses.

Kymlicka argues, there is no reason that *Brown vs. Board of Education* cannot be invoked in support of group-specific rights for minority cultures.

In Chapter 5, Kymlicka moves from a discussion of legal principles to theoretical principles. Here he assesses the view, put forward by Jeremy Waldron, that cultural membership is not essential and should not therefore be subject to political protection. As we have seen already, Kymlicka does not seek to dismiss this view of liberalism on historical grounds, or on the basis of logical inconsistency. Rather, he attempts to show that it is under-girded by its effective antithesis, namely, the irreducibility of cultural membership (86). Seizing on Waldron's image of the "cosmopolitan life"²—i.e. a life that is free of cultural attachment—Kymlicka makes the case that such a trans-cultural existence is only possible given the underlying support of a *particular* culture, specifically, a diverse, poly-ethnic society such as the United States (81). He suggests that it is only insofar as one exists within a society that encourages the proliferation of cultural identities that one can claim independence from any culture whatsoever. In this sense, it appears that Waldron's argument requires precisely what it attempts to exclude, namely, a secure cultural foundation. He is unable to illustrate the erosion of cultural attachment without quietly presupposing an even more fundamental, almost unspoken, cultural bond.

In light of the preceding examples, it is clear that, for Kymlicka, any apparent departure from minority rights recognition can be referenced back to an explicit acknowledgment of its legitimacy; that the embrace of abstract universalism is always made possible by a prior acknowledgment of group membership. That liberal theorists have traditionally failed to recognize this speaks as much to a broad interpretation of equality—whereby it becomes synonymous with identity—as to the primacy of group-identification: precisely because it is so deeply embedded in the fabric of our lives, we require a radical, almost Kantian, shift in perspective in order to bring group-identification into focus as an object of study.

II.I Aligning Theory with Practice

If the examples considered thus far have demonstrated that modern liberalism is unable to confront the question of group-differentiated rights, the following examples reinforce precisely the opposite point. Here, we learn that liberalism is *already* confronting the question of group-

² Waldron, Jeremy. 'Minority Cultures and the Cosmopolitan Alternative,' *University of Michigan Journal of Law Reform*, 25/3: 751-93.

differentiated rights, and that it is simply liberal *theory* that has failed to grasp the centrality of group-identification. In what follows, I will examine three instances in which Kymlicka locates remedies for this failure in the realm of political practice.

The first of these examples is drawn from Chapter 7 of *Multicultural Citizenship*, and concerns the issue of group representation. For certain strands of liberalism, group representation has a touch of the heretical. Indeed, the idea that political representation should be determined according to group membership threatens one of liberalism's most cherished principles: the notion that the individual is the basic unit of the liberal democratic state. As Kymlicka notes, however, group representation has "important continuities with existing practices of representation in liberal democracies" (144). For instance, there have been numerous occasions in which voting districts in the United States and Canada have been drawn "so as to correspond with 'communities of interest'" (135). In this way, politicians have sought to ensure that the majority does not everywhere outnumber minority groups, and that the latter are able to elect representatives from within their own community. The prevalence of such practices, for Kymlicka, militates against the abstract individualism of liberal theory, demonstrating that politics in the United States has implicitly acknowledged the relevance of group-membership in matters of political representation (136). Hence, there is no substantial reason that the "underlying logic" of practices such as the re-drawing of electoral boundaries cannot be used to defend political representation for groups that are not similarly concentrated within a particular territory (137).

In Chapter 5 of *Multicultural Citizenship*, Kymlicka highlights another instance in which liberalism's commitment to abstract principles has blinded it to the reality of liberal governance, pointing to the widespread tendency to consider citizenship as if were simply a universal category; as if it were simply equivalent to 'person' (125). Against this unthinking universalization, Kymlicka asks that we consider citizenship in terms of its specific properties, in terms of the way that it *actually* works. He suggests that 'citizen' does not simply describe an abstract 'person', entitled to generic set of rights and privileges, but that it describes a particular member of a particular group, occupying a particular geographical region. In other words, while theorists have imagined that 'citizen' is a purely positive entity, Kymlicka wants to show that it is constituted negatively; that it is precisely by *excluding* non-citizens that one delineates the citizens of a given nation-state. Paradoxically, our awareness of this negative constitution has

not simply been absent. Indeed, if the principle of exclusion were not always somehow *at work*, it would be impossible to reproduce the liberal state as we understand it. However, by embracing an ideology of the abstract subject, a subject that is unconditionally equal with everyone else, we have managed to distort our awareness of the very political procedures in which we are engaged. Kymlicka's intervention, then, consists simply in compelling us to recognize the principles that we already uphold. In this way, he avoids having to force a seemingly illiberal innovation into the liberal paradigm. By removing the layers of ideological distortion that prevent us from acknowledging the ground-level facts of our political reality, Kymlicka can show that group differentiation belongs, originally and authentically, *within* liberalism.

Our final example of this basic philosophic strategy, whereby Kymlicka corrects liberal theory with lessons drawn from political practice, concerns the issue of inter-group relations. In our increasingly diverse societies, the potential for normative divergence between cultural groups is quite real. Different groups endorse vastly different world-views, according various levels of priority to the notion of individual freedom. Accordingly, liberal theorists are often quite anxious with regard to group-specific rights, imagining that such rights could license a particular group to subject its members to illiberal practices. For Kymlicka, this anxiety is essentially groundless, resting on a basic misunderstanding of group-specific rights. Liberal theorists have unthinkingly conflated two distinct types of collective rights, one of them liberal, the other potentially illiberal, and have concluded that group rights are illiberal in principle.

The first variety of group-specific rights fall under the heading of 'external protections.' External protections are intended to secure the rights of a minority group against the dominant society (36). The special language rights accorded to Quebec represent a prominent domestic example of external protections. 'Internal restrictions', on the other hand, involve the limitation of individual liberty in the interests of group cohesion, and as such, are clearly inimical to liberal values (36). Demands made by Canadian Muslim groups for the prerogative to impose sharia laws on their members are, in effect, demands for internal restrictions.

Notwithstanding the obvious difference between these two categories, liberals have tended to subsume both under a single heading. They have claimed that any group-specific right poses a threat to the freedom of the individual, as if all such rights were in the order of internal restrictions. Kymlicka points to Pierre Trudeau's opposition to Quebec self-government rights,

defended in terms of 'the primacy of the individual,' as a symptomatic example of this confusion (35). What is striking, then, is how often this distinction has been both recognized and affirmed in political practice. According to Kymlicka, "public policy (quite consistently) endorses some external protections, while rejecting internal restrictions" (41). And indeed, we need look no further than the group rights that have been accorded to Quebec, in spite of Trudeau's concerns, for compelling evidence to this effect.

What Kymlicka wants to show, then, is not simply that liberal theory has missed the boat regarding group-specific rights, but that it has been standing on entirely the wrong pier. Theorists have discussed group-specific rights as if they were reducible to the question of individual vs. collective (47). For this reason, they have assumed that group-specific rights imply some sort of collective actor, one that poses a threat to the sovereignty of the individual. Only at the level of practice, it seems, have liberals appreciated that group rights, such as those granted to Quebec, simply do not entail a power struggle between the collective and the individual; only here has it been understood that group-specific rights do not describe a collective actor, but simply delineate the collection of individuals that are entitled to a particular right. It is for this reason that Kymlicka proposes to re-orient liberal theory—to bring it up-to-date with the practical understanding of liberal governments. As noted, this will entail something of a retreat from abstract speculation, requiring theorists to consider group-specific rights on a case-to-case basis; requiring them to ask whether a given right adequately defends the minority group against the majority, and whether, in so doing, it does not at the same time license internal restrictions.

Of course, Kymlicka's approach to the problem of group-specific rights presents problems of its own. Indeed, having distinguished external protections from internal restrictions, and having endorsed the former while rejecting the latter, Kymlicka seemingly leaves no mechanism for addressing the problem of illiberal minority groups. Given that his project consists in formulating a plural, integrationist liberalism, this is a problem not only a practical level, but in terms of Kymlicka's stated intentions. In order to bring the nature of his philosophical methodology more fully into view, then, it will be instructive to examine his approach to this second-order problem.

II.II Confronting Illiberal Minorities

As we have seen elsewhere in *Multicultural Citizenship*, Kymlicka tackles this problem by first determining its status within contemporary liberal discourse. To this end, he examines John Rawls's approach to the issue of illiberal groups. We learn that the approach found in Rawls's later writings (associated with political liberalism) consists in the endorsement of individual autonomy as a strictly 'political' concept (159). Rawls is willing to accept the claim made by some national minorities that the group is fundamentally prior to its individual members. However, insofar as these individuals reside within the boundaries of a liberal nation, their political status will be considered in terms of the basic liberal value of individual autonomy.

By claiming that autonomy need not be considered a constitutive feature of all individuals in any group whatsoever, Rawls hopes to have shifted the debate into a slightly less fundamental register: from the level of basic principle to a more benign, procedural level. What Kymlicka argues, however, is that Rawls has simply substituted one set of abstractions for another, and that by doing so, he has failed to confront the problem of internal restrictions in its full magnitude. For Kymlicka, Rawls's 'political' solution does nothing to address the *real* demands made by minority groups to impose restrictions on their members. In truth, Rawls does little more than reintroduce John Stuart Mill's 'comprehensive' liberalism: the view according to which individuals, in a basic, metaphysical sense, simply *are* autonomous agents (160). To the extent, then, that liberalism has failed to address the problem of illiberal groups, it is because it has not really been willing to admit such groups into the realm of consideration. Liberalism has established a political ontology that entirely excludes groups whose practices are *actually* illiberal. Kymlicka's own approach to this problem therefore arises as a reaction to the Rawls-Mill consensus, eschewing their mutual commitment to abstraction and seeking solutions within the practical sphere.

What Kymlicka proposes, simply, is that we should engage in dialogue with minority groups that wish to restrict the autonomy of their members, attempting to determine mutually acceptable standards of political co-habitation (171). In this way, he forges a compromise between liberal ideals and the fact of potentially illiberal national minorities. It is important to stress, however, that Kymlicka does not regard this compromise as a weakening of liberalism itself. Indeed, as I hope will have become clear, Kymlicka holds an essentially procedural conception of liberalism. In other words, he does not think that liberalism consists in an

unchanging set of ideals that admit of universal application. Instead, he conceives of liberalism as a process of negotiation, one that is motivated by a set of basic axioms, but which must always reckon with changing social and political circumstances. In this sense, it is not strictly accurate to maintain, as I did at the outset of this paper, that Kymlicka holds an 'essentialist' view of liberalism. Rather, we might simply say that liberalism, for Kymlicka, is unchanging to the extent that certain basic social-political phenomena remain constant. Minority cultures, and specifically, *national* minorities, represent one such constant. Insofar as liberal theory has lost sight of these groups, Kymlicka therefore attempts to reestablish them within the scope of liberal concern; not by simply insisting on their recognition, but by showing that liberalism, insofar as it attempts to engage political reality, is obliged to, and in many cases, already does acknowledge national minorities.

III Strange Bedfellows

Kymlicka's book, it seems to me, is remarkable not simply for its original interpretation of liberalism, but for the methodology that is put to work in service of this interpretation. His is an almost meta-textual reading of liberalism—an attempt to show what is *really* going on in the theoretical and practical domains, in spite of, and often against, the stated intentions of theorists and politicians. As such, Kymlicka's philosophic methodology bears a strong resemblance to the methodology spelled out by Hegel in the preface to the *Phenomenology of Spirit*. Against philosophy that concerns itself with "simple disagreements" between individual philosophers, Hegel insists that we view the "diversity of philosophical systems as the progressive unfolding of truth."³ In other words, the meaning of philosophy, for Hegel, does not emerge from the surface-level narrative of philosophic discourse, but from the narrative underlying philosophy *as a whole*. This hermeneutic is echoed by many 'continental' philosophers, who likewise seek to extract the counter-narratives underlying thought, text, and experience. Thus, Martin Heidegger will attempt to show that our everyday orientation towards beings obscures our *real* metaphysical situation: our precarious suspension over the void of non-being. Michel Foucault will argue that the popular conception of sexuality as socially silenced is a minor symptom of the

³ Hegel, G.W.F. *The Phenomenology of Spirit*, trans. A.V Miller, Toronto: Oxford University Press, 1977, p. 2.

"discursive explosion" that has *actually* characterized the modern history of Western sexuality.⁴ Finally, Jacques Derrida will assert that Western philosophy, despite its superficial attachment to writing, is, on a more fundamental level, *hostile* towards writing, treating it as a merely derivative form of speech.⁵ And indeed, despite obvious differences in subject matter, Kymlicka's confrontation with liberalism takes a form that is very much akin to these sweeping philosophical projects. To the extent that Kymlicka engages with individual doctrines or practices, it is never for the limited purpose of simply highlighting logical inconsistency, or proposing a rival theory. Instead, it is with an eye to showing how the doctrine or practice in question reflects an overarching narrative. Kymlicka is not interested in *refuting* Waldron or Rawls. Instead, he simply shows that they move within a horizon of basic assumptions. Insofar as he can make this horizon explicit—and in so doing, demonstrate that political philosophy must necessarily orient itself to this horizon—he can put forward a much more forceful argument than one which simply addresses philosophic differences. Like Hegel's appeal to a grand narrative underlying philosophic discourse, or Heidegger's appeal to our radical metaphysical finitude, Kymlicka's argument demonstrates that there are certain doctrines that we are simply *obliged* to adopt; that to do differently would be to violate the most basic conditions of existence.

Conclusion

In many places throughout *Multicultural Citizenship*, Kymlicka's confrontation with the liberal tradition can seem so dramatic that one often feels as he is calling liberalism itself into question, as if he trying to prove that liberalism is somehow *unable* to provide solutions to minority issues, and must therefore be radically re-thought. On the contrary, Kymlicka argues that liberalism does in fact have answers to these problems, but that it has failed to recognize them as such. The answers reside, as it were, at a basic, unexamined level of liberal theory. Somewhat paradoxically, these answers also reside at the level of practical instantiation: judicious solutions to minority-rights issues are already in place in many liberal-democratic countries. Where these answers *do not* ultimately reside, then, is at the crucial level of stated discourse. The result of this absence, Kymlicka argues, has been much unnecessary confusion and hand wringing

⁴ Foucault, Michel. *The History of Sexuality, Vol. I*, trans. Robert Hurley, New York: Vintage Book, 1990, p. 17.

⁵ Jacques Derrida. *De la Grammatologie*, Paris: Editions de Minuit, 1967.

regarding group-differentiated rights. His critical intervention consists in articulating a theory of group-differentiated rights within the framework of liberal theory; in rendering explicit the compatibility of human rights with minority rights. For Kymlicka, the liberal tradition has always been aware of this compatibility. It has merely to raise it to the level of formal recognition.